



Town Council Meeting
August 9, 2018



A quorum being duly present, Council President Eric Steinhilber called the August 9, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: Britt Beedenbender, Jennifer Cullum, James Crocker, Jr., John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent;** Debra Dagwan, and Paula Schnepf

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

President Steinhilber announced taking the following two items out of order:

2019-015 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS INTRO: 08/09/18

Upon duly made and seconded it was to refer this item to a joint meeting with the Planning Board on 8/16/18

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.4B as follows:
 - (3) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 2.

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.9.1B as follows:
 - (2) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 3.

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and by substituting in place of the existing ARTICLE XII the following:

“ARTICLE XII Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

§240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

A. Purpose; applicability; use; prohibited marijuana establishments

(1) Purpose. To provide for the location of Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017, G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, and Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, in locations within the MS Medical Services District and the GM Gateway Medical District suitable for lawful Marijuana Cultivation, Research and Independent Testing and to minimize adverse impacts of Marijuana Cultivation, Research Facilities and Independent Testing Laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

(2) Applicability. The cultivation, processing, packaging, and transfer of marijuana products; conducting of research regarding marijuana products; and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this Article.

(3) Use. Within the MS Medical Services District and GM Gateway Medical District, a licensed Marijuana Cultivator, Research Facility or Independent Testing Laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this Article shall be subject to the provisions of §240-125C and §240-24.1.2E herein and subject to all additional standards and conditions of this Article.

(4) Prohibition of All Other Non-Medical Marijuana Establishments. Except for licensed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article,

all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA CULTIVATOR – An entity licensed to cultivate, process and package marijuana, and to transfer

marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(1) General

- a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, the Town of Barnstable's General Ordinances, the Town of Barnstable's Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories (including, but not limited to, the Town's Planning Board special permit), and agreements between the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories' Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.
- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this Article, Marijuana Cultivator, Research Facilities and Independent

Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.

- f) Parking. The required number of parking spaces for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.
- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- k) Groundwater Protection. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Cultivators, Research Facilities or Independent Testing Laboratories shall allow research, testing, cultivation, processing, packaging, manufacturing, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories may cultivate, process, package, or conduct research and testing on Marijuana or Marijuana Products as licensed by the Cannabis Control Commission only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area.
- (d) The hours of operation for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Cultivator's, Research Facility's or Independent Testing Laboratory's special permit.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.

- (f) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Cultivators, Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Cultivator, Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan shall include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State

Law, the exterior perimeter of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.

- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Cultivator, Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this Article. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.

- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Cultivator, Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, of the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.

- (1) Application requirements: Applicants shall include with their special permit application:
 - (a) Copies of any required licenses and permits relating to the operation of the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
 - (b) Evidence of the applicant's right to use the proposed site as a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
 - (c) A copy of the Site Plan Review Approval.
 - (d) A description of the security measures, required by this Article, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
 - (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
 - (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Cultivators, Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
 - (g) A copy of proposed waste disposal procedures.

- (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
 - (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
 - (j) A copy of the Community Host Agreement.
 - (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.
- (2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (a) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this Article.
 - (b) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has an approved Host Agreement.
 - (c) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has security and emergency procedures, including a disaster plan, approved by the Barnstable Police Department.
 - (d) The location is compliant with this Article in its entirety.
 - (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
 - (g) A special permit granted under this Article shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Cultivator, Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

F. Implementation

This Article shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

G. Severability

The provisions of Article XII, §240-122.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

Section 4.

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Cultivators, Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

VOTE: Referred to a joint public hearing with the Planning Board on August 16, 2018-unanimous

2019-009 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS INTRO: 07/19/18, 08/09/18

Upon a motion duly made and seconded it was to withdraw this item

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

- 2. Add a new Special Permit use to Section 240-24.1.4(B) as follows:
 - (3) Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 2.

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

- 2. Add a new Special Permit use to Section 240-24.1.9.1(B) as follows:
 - (2) Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 3.

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and substituting in place of the existing ARTICLE XII the following:

“ARTICLE XII Registered Recreational Marijuana Research and Testing Facilities.

§240-122.1 Registered Recreational Marijuana Research and Testing Facilities.

- A. Purpose; applicability; use; prohibited marijuana establishments

(1) Purpose. To provide for the location of Registered Recreational Marijuana Research Facilities and Independent Testing Laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, in locations within the Medical Services District and the GM Gateway Medical District suitable for lawful Marijuana Research and Independent Testing and to minimize adverse impacts of Marijuana Research Facilities and Independent Testing Laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of Marijuana Research Facilities and Independent Testing Laboratories.

(2) Applicability. The conducting of research regarding marijuana products and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this section.

(3) Use. Within the MS Medical Services District and GM Gateway Medical District, a licensed Marijuana Research Facility and Independent Testing Laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this section shall be subject to the provisions of §240-125.C. and §240-24.1.2E. herein and subject to all additional standards and conditions of this section.

(4) Prohibition of All Other Non-Medical Marijuana Establishments. Except for licensed Marijuana Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Research Facilities and Independent Testing Laboratories.

Marijuana Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(1) General

- a) Marijuana Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, the Town of Barnstable’s General Ordinances, the Town of Barnstable’s Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Research Facilities or Independent Testing Laboratories (including, but not limited to, the Town’s Planning Board special permit), and agreements between the Marijuana Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- b) Marijuana Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission’s license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Research Facilities and Independent Testing Laboratories Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.

- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this section, Marijuana Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- f) Parking. The required number of parking spaces for Marijuana Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.
- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- k) Groundwater Protection. Marijuana Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All Marijuana Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Research Facility or Independent Testing Laboratory shall allow research, testing, cultivation, processing, manufacture, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Research Facilities and Independent Testing Laboratories may conduct research and testing on Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Research Facility or Independent Testing Laboratory to access the area.
- (d) The hours of operation for a Marijuana Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Research Facility's or Independent Testing Laboratory's special permit.

- (e) Marijuana Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) Marijuana Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) Marijuana Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.

- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (c) Marijuana Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) Marijuana Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning

& Development, Building, Health, Police, Fire and Public Works Departments.

- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, or the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Research Facilities and Independent Testing Laboratories. Marijuana

Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Research Facility or Independent Testing Laboratory.

- (1) Application requirements: Applicants shall include with their special permit application:
 - (a) Copies of any required licenses and permits relating to the operation of the Marijuana Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
 - (b) Evidence of the applicant's right to use the proposed site as a Marijuana Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
 - (c) A copy of the Site Plan Review Approval.
 - (d) A description of the security measures, required by this section, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
 - (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
 - (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Research Facilities and Independent

Testing Laboratories and other Recreational Marijuana Establishments, as applicable.

- (g) A copy of proposed waste disposal procedures.
 - (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
 - (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Research Facility or Independent Testing Laboratory, as applicable.
 - (j) A copy of the Community Host Agreement.
 - (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.
- (2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (a) That the Marijuana Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this section.
 - (b) That the Marijuana Research Facility or Independent Testing Laboratory has an approved Host Agreement.
 - (c) That the Marijuana Research Facility or Independent Testing Laboratory has a security and public safety plan approved by the Barnstable Police Department.
 - (d) The location is compliant with this section in its entirety.
 - (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
 - (g) A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

F. Implementation

This section shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

G. Severability

The provisions of Article XII, §240-122.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

Section 4.

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

VOTE: Withdrawn - Unanimous

PUBLIC COMMENT:

Peter Halesworth read from a statement (Exhibit A) regarding the flooding in Blish Point neighborhood, give us peace of mind.

Close Public Comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

There has been some activity, we are aware; the funding is not yet available, money has not been released. Ask the Town Manager to come up and give us an update:

[Town Manager, Mark Ells, we are actively working on this well known and documented problem in this area, for decades. We have looked at the drainage, the next step we will be coming before the Council for a local funding source. We are continuing to work with the residents.] Has the DPW cleaned out all the drainage systems [Yes, they have] During a meeting with the Lt. Governor this item came up and was discussed in detail. Does this involve state permitting [Yes to the state, possibly federal as well].

A private citizen has offered \$50,000 for this issue; the only authorized monies are the ones from the effort of Representative Will Crocker. Who is helping us with resiliency planning [have to look that up] we are not just talking about one area in our town that is at risk; if there is funding from emergency funds, can we pre spend funds? [I don't believe this been declared an emergency; capital funding, emergency would not necessarily apply in this case, this is an old drainage system, the roads are low, we are going forward moving as quickly as possible]. As you meet with the outside engineer, will you share that plan with the Councilors and the people of precinct one; [will have something next week in a preliminary form] who owns the culvert, is it the town? [Public roads and the drainage are typically the town's responsibility]

TOWN MANAGER COMMUNICATIONS: Update (Exhibit B)

Budget Action Calendar

Work continues with Mass Department of Fish and Wildlife

Vineyard Wind in the final stages of developing a host agreement

Open Cape for high speed internet

Recycling market continues to change

Dog Park is progressing

Cape Cod Life Saving Competition at Craigville Beach

Councilor questions and comments:

Have you had a discussion with the Town of Dennis regarding a glass depot [yes] recycling plastic water bottles, please use a refillable water bottles; wine bottles can be refilled instead of throwing them away; need to reuse your glass water bottles, ask the Governor’s office to work with us. Currently, there are now a whole host of other containers for wine. West Nile virus was found in Barnstable, is there a way we can get that information out to the public? [Lynne Poyant, Director of Community Services gave an overview of all of the ways she shared this information; media release contacts, contacted the civic associations; put this up on the Town’s Facebook page, will be adding to Friday’s “E-news” The virus was found not only in Barnstable, but in Falmouth, Dennis, Bourne and Yarmouth as well. Make sure your screens are repaired, wear protective clothing, be aware of standing water which attracts mosquitoes; people over the age of 50 are at higher risk] Will you let the residents of Barnstable know which villages had the West Nile Virus mosquitoes? [Yes]

Do you anticipate by October that we are only going to accept metal as a recyclable item [Mark Ells, my concern is the ones that do not have markets, can stockpile these items that can no longer be recycled; better if we can educate the public] We have abused the term recyclable, we are trying to keep the recycling free for the residents [Yes, we have to make changes, but I also think that if it is truly not being recycled, we have to watch this] How soon will we get back to the table with Mass Dept of Fish and Wildlife [this fall] do you have an idea of a timetable for Vineyard Wind [actively in their permitting process, forth coming with information; a few more questions need to be answered] Is there a figure on the tons of co-mingled recyclables if we don’t get this under control [hundreds of thousands of dollars] put the pressure on the Commonwealth to turn these products back to our advantage. Watched the recycling procedures at various transfer stations, can we pool our resources with each of the other towns [always a value looking at that market, we have done it before]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the July 19, 2018 with a correction on the second page; correct the public comment name to read Louise Kane.

VOTE: PASSES UNANIMOUS As Amended

COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements:

- o Centerville Old Home Week;
- o Congratulations to 10U Little League Baseball Team;
- o West Barnstable Village Day;
- o Barnstable Village Summer Stroll;
- o Meeting House Farm Art Contest using recyclables;

**2019-011 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
07/19/18, 08/09/18**

Upon a motion duly made and seconded it was **RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Golf Committee:** Keith Hochstein, 57 Cap’n Lijah’s Road, Centerville, as a regular member to a term expiring 06/30/21; Ron Matros, 140 Pheasant Hill Circle, Cotuit, as a regular member to a term expiring 06/30/21;

Housing Committee: Catherine Ritchie, 23 Doves Lane, Marstons Mills, as a regular member to a term expiring 06/30/21; **Community Preservation Committee:** James Tenaglia as a Recreation Commission representative member to a term expiring 06/30/19
VOTE: PASSES UNANIMOUS (Cullum left the dais 8:04 to 8:06)

**2019-012 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 07/19/18, 08/09/18**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Land Acquisition and Preservation Committee:** Anne Rowland as a regular member to a term expiring 6/30/21; Phyllis Miller as a regular member to a term expiring 6/30/21; F.P Tom Lee as a regular member to a term expiring 6/30/21; Ann Canedy as a regular member to a term expiring 6/30/21; **Youth Commission:** Matthew McCauley as a student member to a term expiring 6/30/19; Sean Dowling as a student member to a term expiring 6/30/19; Ethan Sirhal as a student member to a term expiring 6/30/19; Connor Levesque as a student member to a term expiring 6/30/19; Allianna DeBarros, as a student member to a term expiring 6/30/19; LT. Jean Challies as an adult advisory member to a term expiring 6/30/19

VOTE: PASSES UNANIMOUS

Councilor questions and comments:

Thank everyone for putting their names forth for becoming or continuing to be members of a board, committee or commission. Still have committees looking for members.

2019-013 ACCEPTANCE OF A FISCAL YEAR 2018 TRAFFIC ENFORCEMENT GRANT AWARD IN THE AMOUNT OF \$11,972 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 08/09/18

Rationale given by Chief Sonnabend

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of **\$11,972** from the Executive Office of Public Safety and Security, Highway Safety Division

VOTE: PASSES UNANIMOUS

2019-014 ACCEPTANCE OF FISCAL YEAR 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$57,360 FROM THE U. S. DEPARTMENT OF JUSTICE INTRO: 08/09/18

Rationale given by Chief Sonnabend

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept the Federal Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local in the amount of **\$57,360** from the U. S. Department of Justice

VOTE: PASSES UNANIMOUS

Municipal Dredge Program Presented by Mark S. Ells, Town Manager (Exhibit C)

With Assistant DPW Director, Rob Steen, Harbormaster Dan Horn, Finance Director, Mark Milne, and Town Attorney Ruth Weil available for questions and comments; Town Manager, Mark Ells offered a PowerPoint presentation of an update of this program.

Council questions and comments:

Did anything ever happen with the previous permitting process (county level), did that ever go anywhere [not to my knowledge, we had a process in place] Would we be using the County dredge or will we be using a contractor [Yes, when we are moving sand, county dredge is cost effective] will the county dredge be available [they have made the commitment; but if not we will look at doing some of this ourselves] as we dredge, what kind of sea life will we effect [that is part of the permitting process, have to know ahead of time before we dredge] This is a long time coming, permitting process on the Cotuit cut alone; pleased that the permit was appealed and determined not to go forward; this is deferred maintenance at this site; is this a category one site or will it need to be reevaluated? [My understanding that the county dredge would do this project, need to check with Lindsey] [Lindsey Counsell, Chair of the CPC, there is about 1500 yards of fine grade material, which will be dealt with on the last phase] Can we get a listing of all 31 dredge sites [Mark Ells, yes] Public process for the changes in fees from the beginning [will be meeting with all the chairs of the committees, need to be engaged] process has taken so long, how long is this permit good for [three years] [Rob Steen, Assistant Director of DPW, this is for the three phases, traditionally once you have already done it, it is easier to get a permit through] what if we can't dredge [we can go for permit modification, October to mid January we are generally safe] Prioritizing the dredge sites has that been done and what is the time line? When the list is sent to us, can we have the prioritization? Can you use CPA funds for getting boats out to a certain location [Mark Ells, using CPC funds will come back to specific projects, will defer to Lindsey Counsell] [prioritization is basically starting with category one, followed by two and three] [Rob Steen, looked at history, how necessary is it; what is the urgency? So that fed into the prioritization; all based on past practices are they still current and valuable] [Lindsey Counsell, creation of water under the ocean is considered open space. That will open up other areas, very interesting proposal] Do we know why we are losing sand, is it due to the jetty and currents? Do we look to the Corp of Engineers for assistance? [Mark Ells, we ask any and all to participate] Page 21 of the presentation, 2018-074 did that have funding involved and that has been postponed? Page 14 recommended funds from a bond counsel; we have been waiting, we have a small window, two funds are questionable or needing some answers? We need the money available for October. [CPC awaiting determination, our legal department and Mark Milne are looking at this [Mark Milne, Finance Director, for the size of the project, and the available funds, no borrowing necessary for this project, do a cash appropriation from this fund, this project does allow us do to this for water quality] Ask we move it up the ladder that it is appropriate for spending; so on the CPC fund, may be created by dredging and having soil up on top; are we seeking opinions on that [we have not gone to outside counsel as yet]

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:**Adjourned at 9:12 PM**

Respectfully submitted,

Ann M. Quirk, CMMC/MMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: AUGUST 16, 2018

EXHIBITS:

- A. Peter Halesworth
- B. Town Manager Update
- C. Municipal Dredge Program